

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FRANK ROBERT CHESTER, et al.,	:	Civil No. 1:08-CV-1261
	:	
Plaintiffs	:	
	:	
v.	:	(Chief Judge Kane)
	:	
JEFFREY BEARD, et al.,	:	(Magistrate Judge Carlson)
	:	
Defendants	:	

**REPORT AND RECOMMENDATION REGARDING BRIEFING
SCHEDULE**

THE BACKGROUND OF THIS MATTER IS AS FOLLOWS:

This case is a civil rights action brought by the Plaintiffs challenging the constitutionality of Pennsylvania's death penalty protocol. On Friday October 26, 2012, discovery disputes in this case were referred to the undersigned for resolution. On Monday, October 29, 2012, during the onslaught of Hurricane Sandy, the Court held a telephonic status conference with all counsel. In the course of this conference, the parties jointly notified the Court that Chief Judge Kane had set a briefing schedule on a motion for stay, requiring the Defendants to file their brief on October 29 and the Plaintiffs to file a reply brief on October 31. The parties jointly notified the undersigned that the paralyzing impact of the hurricane would make it impossible to meet this deadline, and jointly proposed that the briefing deadlines be extended two

days, with Defendants' brief due on **October 31, 2012**, and the Plaintiffs' reply brief due on **November 2, 2012**.

Consistent with the joint proposal of counsel, and recognizing the intervening natural disaster which delayed compliance with the District Court's briefing order, IT IS RECOMMENDED that these deadlines be extended as proposed by the parties.

Submitted this 31st day of October 2012.

S/Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge